

REMARKS

Claims 1, 2, 4-10 and 12-19 are pending; claims 4-7 and 12 have been withdrawn from consideration by the examiner; claim 1 has been amended herein.

The rejection of claims 1, 2, 8-10 and 17 as being indefinite under 35 USC §112, second paragraph, is believed to have been overcome by the amendment to claim 1 presented herein.

Changing "heat input adjustable to about" to read "heat input of about" clearly requires a heat input of about 12,000 to 25,000 kJ/kg to be applied to the coating polymer.

Claims 1, 2, 8-10, 13, 14 and 17 stand rejected as being anticipated by Saur et al., CA 2178655.

The claims are not anticipated by Saur et al. for the reasons recited in applicants' amendment of October 23, 2003.

The "test report" submitted with the previous amendment has now been incorporated into the form of a declaration by Dr. Stadler (enclosed). This data clearly establishes that the CR granules described in the Saur et al. reference are distinct from those of these claims since (1) they were prepared with heat inputs lower than 12,000 kJ/kg of coating polymer, and (2) the resulting CR granules had higher initial release rates than those of the invention.

Claims 1-3, 8-10, 13, 14 and 17 stand rejected as obvious over Saur et al. in

view of Rei, 4663359, or Arnold, 058256.

As established by the declaration of Dr. Stadler, the claimed heat inputs produce patentably distinct CR granules from those of Saur et al. There is no teaching or suggestion in Saur et al. to use the claimed heat inputs nor to produce CR granules having the improved release rates of active ingredients. Neither the Rei nor Arnold references remedy these omissions in Saur et al.

The examiner's conclusion on page 3, first paragraph, is not valid since the general assertion that by addition of heat a polymer becomes more dense due to a crosslinking reaction is not correct. Only polymers with reactive groups or those capable of forming reactive groups (e.g., radicals) under thermal conditions can be crosslinked by addition of heat. Nevertheless, this requires in many cases the addition of an initiator, cross-linker and/or reactive diluent. Thermoplastics exhibit viscous flow above a certain temperature, elastomers exhibit energy-elastic behavior at low temperature but no viscous flow even at high temperatures and all polymers decompose if the heat input gets too high. Therefore, it was not obvious to use the heat input to decrease or increase the active release.

In view of the amendment, declaration and remarks, all of the claims are definite and allowable over the art of record. Allowance of all of the claims (including claims 4-7 and 12) by the examiner is solicited.

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paper, including Extension of Time fees to Deposit Account No. 11-0345. Please credit any excess fees to such deposit account.

Respectfully submitted,

KEIL & WEINKAUF

A handwritten signature in black ink, appearing to read "Edward J. Smith". The signature is fluid and cursive, with the first name "Edward" being more prominent and the last name "Smith" following in a similar style.

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